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Held at Headquarters, New York,
on Friday, 13 September 1991, at 10 a.m.

President: Mr. de MARCO (Malta)

- Scale of assessments for the apportionment of the expenses of the United Nations [125] (continued)

- Policies of apartheid of the Government of South Africa [34]

  (a) Report of the Secretary-General

  (b) Draft decision

Adoption of the agenda and organization of work [8]

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 125 (continued)

SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (ARTICLE 19 OF THE CHARTER) (A/45/1004/Add.4)

The PRESIDENT: Before turning to the first item on our agenda for this morning, I should like to draw the Assembly's attention to document A/45/1004/Add.4, which contains a letter addressed to me by the Secretary-General informing me that, since the issuance of his communications dated 29 April, 13 May, 31 May and 26 August 1991, Cambodia, Liberia and Sao Tome and Principe have made the necessary payment to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

AGENDA ITEM 34 (continued)

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

(a) REPORT OF THE SECRETARY-GENERAL (A/45/1052)

(b) DRAFT DECISION (A/45/L.51)

The PRESIDENT: The second progress report of the Secretary-General on the implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa has been circulated in document A/45/1052. In this connection, a draft decision has been issued as document A/45/L.51.

I now call on the Chairman of the Special Committee against Apartheid, Mr. Ibrahim Gambari of Nigeria.

Mr. GAMBARI (Nigeria), Chairman of the Special Committee against Apartheid: The duty of the international community is to encourage the speedy end of apartheid through negotiations. It is in this context that I wish to

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express the deep appreciation of the Special Committee against Apartheid to the Secretary-General for his second progress report on the implementation of the United Nations Declaration on Apartheid and its Destructive Consequences in Southern Africa.

The report, which covers the period from July 1990 to the end of August 1991, provides an objective assessment of major developments in South Africa and highlights some of the most important problems facing the South African people as it embarks on the process of peacefully ending apartheid.

The Secretary-General eloquently underlines in his report (A/45/1052) that the process that started more than a year ago in South Africa experienced serious difficulties over the last 12 months. In particular, he noted with grave concern that

> "the wave of violence that engulfed the country during the period became a severe test of confidence and a serious obstacle to the evolving political dialogue." (para. 6)

While recognizing that the most basic laws of apartheid were repealed by last June, the Secretary-General observed that

> "many of the concomitant attitudes and practices, as indeed the consequences of those laws, do persist". (para. 8)

He emphasizes that delays in implementation of the measures necessary to create a climate necessary for negotiations,

> "particularly with regard to political prisoners and exiles, the perceived ineffectual response to violence and disclosures of secret funding of organizations led to tensions and a crisis of confidence in the government structures". (para. 8)

(Mr. Gambari, Chairman, Special Committee against Apartheid)

The Secretary-General points out that recent peace initiatives hold the promise that the momentum which started more than a year ago can be restored. He believes that a meeting of all parties concerned to discuss matters relating to the drafting of a new constitution and to transitional arrangements is now at the top of the political agenda and that such a meeting could improve the atmosphere for negotiations and free political activity. However, he calls on the international community to be cautious during the process, which might be relatively lengthy and even vulnerable, and to keep in mind the ultimate common objective, which is the establishment of a united, democratic and non-racial South Africa at the earliest possible time.

The General Assembly, by adopting in December 1989 the consensus Declaration on Apartheid and its Destructive Consequences in Southern Africa, has made a major contribution to the struggle for the eradication of apartheid. That Declaration should continue to serve as a yardstick with which we can assess progress in South Africa and identify acts or omissions that have delayed the peace process, those who are responsible for these delays, and those who attempt to undermine it both inside and outside South Africa.

I take this opportunity to review with members the thrust and objectives of the Declaration and to assess, on the basis of the Secretary-General's report, what has been accomplished until now and what remains to be done. The Declaration encourages the people of South Africa to join together to negotiate an end to the apartheid system and to agree on all measures that are necessary to tranform their country into a non-racial democracy. The

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Declaration provides guidelines for the process of negotiations. It takes the view that

> "the parties concerned should, in the context of the necessary climate, negotiate the future of their country and its people in good faith and in an atmosphere which, by mutual agreement between the liberation movements and the South African regime, would be free of violence." (A/RES/S-16/1, para. 8)

At least five measures were to be taken by the South African regime in order to create the necessary climate for negotiations.

(Mr. Gambari, Chairman, Special Committee against Apartheid)

Twenty-one months after the adoption of the Declaration, and on the basis of the report of the Secretary-General, to what extent have these measures been taken?

First, regarding the unconditional release of all political prisoners and detainees, what appears clear from the report of the Secretary-General is that there has been a long delay in implementing this measure and, according to the liberation movements and many South African organizations, it has not yet been implemented fully.

In this regard, it should be noted that the African National Congress (ANC), decided last year to engage the Government in a discussion of the implementation of these measures and the creation of the necessary climate. The General Assembly commended the ANC for this decision, which led to the Groote Schuur and the Pretoria Minutes in the summer of last year.

According to the South African authorities, 1,145 prisoners claiming political status have been released up till now, and, according to the Human Rights Commission of South Africa, 946 prisoners are still in jail, 160 of whom are being held in the homeland of Bophuthatswana. The ANC notes in this regard that the Government has narrowed the originally agreed guidelines on political prisoners, including unrest-related prisoners. The Pan Africanist Congress of Azania (PAC) reminds us that some of the Sharpeville 6 and the Uppingtion 14 are still in jail.

It appears that, while a large number of political prisoners have been released, hundreds of others are still in jail because the authorities claim that their offences were serious and were not of a political nature. I believe it is imperative that this matter be resolved quickly, so that this

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obstacle to negotiations is removed. The Secretary-General, in paragraph 41 of his report, makes some suggestions on a possible procedure for expediting the release of the remaining prisoners.

The related issue of the return of exiles has also been treated by Pretoria in a dilatory fashion. Out of an estimated 30,000 to 40,000 exiles, relatively few have in fact returned. After several months of protracted and difficult negotiations, the United Nations High Commissioner for Refugees finally signed an agreement with the authorities in Pretoria which will allow the presence of the High Commissioner's Office in South Africa. The Special Committee commended the efforts and achievements of the United Nations High Commissioner in this regard.

The bans and restrictions on organizations and persons have been lifted, but members of organizations who are living abroad still have to go through indemnity procedures. This has particularly affected the external leadership of the PAC.

The armed troops appear to have been largely withdrawn from the townships, except from areas where there is unrest. According to the Congress of South African Trade Unions (COSATU), special forces, including those involved in Angola and Namibia, have been present in some townships, and were in fact implicated in atrocities which have taken place in those particular areas, designated as unrest areas.

While the state of emergency has been lifted, the Internal Security Act has been only partially revised. It still allows detention without trial for 10 days, which, according to the Black Sash, is no guarantee of the safety of the detainee.

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Political trials based on the Internal Security Act, which can be considered political, are still being held in South Africa, although executions of political offenders have indeed ceased.

Thus, as members can see, the overall record is very much mixed. It is unfortunate that several problems still stand in the way of full implementation of the measures necessary to create a climate conducive to negotiations. But even more serious is the fact that the wave of violence that has swept the country has severely disrupted this climate and inhibited free political activity. The Secretary-General pays special attention to this matter. Commenting on violence, he observes that reaction to change has been manifested

> "in a variety of ways, from violent acts by those opposing the democratic transformation of the country or wishing to obtain political advantage prior to negotiations to less overt activities by elements connected with the system. In this respect, the impartiality of the security forces has been called into question and the potential for destabilization by extremist groups remains a cause for concern". (para. 7)

Most political parties and organizations in South Africa commented at length on the extent and causes of violence, as is reflected in the report of the Secretary-General. The Black Sash, for example, referred to the

> "'overwhelming circumstantial evidence of outbreaks of violence being orchestrated, of existing conflicts being used to exacerbate violence, of police partiality'" (para. 61)

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and alleged that

"a programme of internal destabilization has been launched with the aim of weakening the ANC". (para. 61)

COSATU elaborates further on this matter, and underlines

"the failure of the authorities to take decisive action to stop the violence or bring the culprits to book, despite frequent and detailed information supplied to them". (para. 62)

The report of the Secretary-General also reviews initiatives taken to curb the violence, both by the authorities - which, obviously, were not effective - and by religious and business leaders - which, it is hoped, will succeed. The draft national peace accord is expected to be discussed and signed at a convention which is scheduled to meet tomorrow. It is heartening that, despite the most recent flare-up of violence, witnessed in the last few days, the authorities, the ANC and the Inkatha Freedom Party appear still to be committed to the peace process.

I am sure I will speak for all members if I express our strong hope that this initiative will, tomorrow, finally succeed, and that the senseless massacres will end promptly. In this context, I note that COSATU recommends that the international community should monitor the implementation of this accord, and actively work with the National Peace Committee, which will oversee the implementation of the accord.

The Secretary-General points out that the repeal of most of the basic apartheid laws was a most notable development during the period under consideration. Indeed, the Separate Amenities Act, the Group Areas Act and

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the Land Acts have been repealed, and the Population Registration Act has been revised. The authorities indicate that

> "'more than a hundred discriminatory laws and regulations were abolished over the past 12 months'" (para. 73).

This has been a positive development, and has been welcomed by most political parties, movements and organizations in South Africa, and by the international community as a whole. But, as a South African organization indicates in the report,

> "'it is becoming increasingly clear that, while the legal pillars of apartheid have been removed, the practices of apartheid are very much in place'". (para. 79)

Let me put this differently: the repeal of apartheid legislation has not repealed the legacies of apartheid.

As appears in the report, discriminatory practices and exclusionary tactics are still very much the order of the day. Repeal of these Acts have done little to change the daily lives of the black majority. The current land ownership and occupation pattern is entrenched, and no real efforts have been made to redress past injustices.

In this regard, no less than the South African Chamber of Business notes that:

> "'Apartheid has been the cause of historical injustices and the redressing of these will require economic policies that go beyond the repealing of social laws and functional deregulation. This means that socio-economic infrastructure, particularly in the fields of housing and education, should receive the highest priority in future State expenditure programmes'". (para. 87)

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The allocation of 38.2 per cent of the 1991-1992 budget for social spending compared with 36.5 per cent for the previous year can be characterized only as a minuscule step in the right direction. As mentioned in the report of the Secretary-General, persistent socio-economic inequalities coupled with rising expectations of the majority of the South African population could make the social fabric of the country even more fragile and thus impede the process of democratization. It is clear that, as the General Assembly suggests, the private sector will have to play a more important role than it has until now within a comprehensive national programme of redress. It is clear also that the international community will need to come in with a positive and massive programme of assistance to the victims of apartheid.

The present conditions in the sectors of education, employment, land, housing and health in particular are not just appalling; they are indeed tragic. In that context I wish to mention here that the Special Committee against Apartheid took the initiative to organize, along with the United Nations Educational, Scientific and Cultural Organization (UNESCO), a conference on the educational needs of the victims of apartheid, which was held in Paris last June and at which representatives of donor countries and organizations heard from South African educators about the dismal conditions in education and the immediate steps that need to be taken.

In its paragraph 8 the United Nations Declaration set out guidelines for the process of negotiations. I wish to emphasize in that context that the Declaration calls on the parties concerned to negotiate in good faith.

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I should like here to interject my own thoughts regarding the issue of good faith. I wonder how one can detect good faith in the regime when, apart from its repeal of the pillars of apartheid, for a year now it has not managed to contain the violence. Nor has it persuaded the majority of South Africans, or I should say the world at large, that the security forces have acted impartially. The South African regime has delayed the implementation of agreements made with the ANC and has in fact acknowledged secret funding of organizations, after this was disclosed in the press. I also wonder - and probably many other representatives do too: Where is the good faith in the constitutional proposals presented by the ruling National Party? We have all seen those peculiar constitutional proposals whose aim is transparent and whose future, I hope, is doomed. In the search for checks and balances, the National Party proposes a constitution which, if agreed upon and implemented, would be over-checked and totally unbalanced. It is a constitution that would give veto power to the white minority. I do not wish to make further comments about such strange matters as obligatory coalitions, collegial presidencies and other totally undemocratic concoctions. The international community cannot seriously consider that such proposals can advance the process of dismantling apartheid. I only hope that this is a preliminary pre-negotiations stand which will soon be revised better to reflect the principles enunciated in the manifesto and in the United Nations Declaration.

I return to the Declaration and its guidelines. These call first for agreement on the mechanism for the drawing up of a new constitution based, inter alia, on the principles enunciated in paragraph 3 of the Declaration. Reading the report of the Secretary-General one can be encouraged by the fact

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that the position of the authorities, as expressed originally in the manifesto issued by President De Klerk, and the proposals of the ANC and the PAC have much in common and reflect to a large extent the principles enunciated in the Declaration. It seems that the Secretary-General too was encouraged, since his report was prepared by the end of August, before the National Party issued its latest proposals. It appears now that our optimism was rather premature.

The Declaration also provides for an agreement on transitional arrangements and modalities for the process of drawing up and adopting a new constitution and for the transition to a democratic order, including the holding of elections. The report notes that there is a divergence of views on the machinery for the drawing up of a new constitution. While a multi-party conference is seen by the ANC and others as a first step towards an elected assembly which would draft the constitution, Pretoria seems to have different views.

There is also divergence in the positions regarding transitional arrangements during the negotiations. What is important, it seems to me, is that the process should be totally democratic, ensuring that the National Party does not play the roles of negotiator and of referee at the same time. As the Secretary-General implies, there are democratic forces in the country which can inspire general confidence and which can play an important role in the transition period. We can only express our strong hope that a meeting of all parties concerned, where all matters will be fully discussed and agreed upon, will be convened as soon as possible. As envisaged in the Declaration, the international community can play a role in ensuring the successful transition to a democratic order.

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Turning now to the Programme of Action, it appears from the report of the Secretary-General that while the international community has remained actively seized of the issue of a political resolution of the South African question and has continued to provide support to the opponents of apartheid, there have been serious departures from the international consensus on the need for the non-relaxation of existing measures aimed at applying pressure to ensure a speedy end to apartheid. As the Secretary-General notes, the process that started in South Africa may be relatively lengthy and vulnerable. It is for that reason that the Special Committee has cautioned those members of the international community that appear to be over-optimistic in their assessment of the developments in South Africa not to take hasty measures that could be counter-productive with respect to the process.

As the Secretary-General suggests,

"encouragement, pressure and assistance would need to be suitably applied as the process unfolds, bearing in mind that the ultimate objective is the establishment of a non-racial democracy in South Africa". (para. 14)

I hope that advice by the Secretary-General is seriously taken into account by all Member States, because it is clear from the report of the Secretary-General that, while some progress has been made over the last 12 months, the achievement of the final objective is far from being in sight. The road is still littered with serious obstacles and dangers.

The international community has made a commitment to see that apartheid is eradicated and that South Africa adopts a new constitution guaranteeing a united, non-racial democracy. I am sure the international community will keep

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that commitment. I very much hope that when, at the forthcoming forty-sixth session of the General Assembly, we debate at length the item "Policies of apartheid of the Government of South Africa" the situation will have improved in that country and negotiations will have finally started.

Finally, the pace of change in South Africa lags behind the expectations of the opponents of apartheid inside and outside the country. It must therefore be the urgent responsibility of the international community to bring the pace of change in South Africa into line with the rapid global change in favour of democracy and respect for human rights and human dignity. The General Assembly is not in the business of rewarding or praising any regime. But it is in the business of promoting the implementation of the principles and purposes enshrined in the United Nations Charter and the observance of the Universal Declaration of Human Rights.

It is for those reasons that the Secretary-General, the Special Committee against Apartheid and all members of the Assembly will continue to monitor closely the developments in South Africa over the next three months. I am confident that we will, in concert, strengthen the process in South Africa of eradicating apartheid at the earliest possible time and of creating a non-racial democratic society in that country.

(Mr. Gambari, Chairman, Special Committee against Apartheid)

In conclusion, I recommend that the General Assembly adopt draft decision A/45/L.51, in which it will take note with appreciation of the report of the Secretary-General, and decide to consider it further at the forty-sixth session. The draft decision will also request the Secretary-General to continue to promote all efforts leading to the eradication of apartheid through genuine negotiations, to monitor developments in South Africa and to submit to the General Assembly during the course of next year, as appropriate, a report on further progress in the implementation of the Declaration.

The PRESIDENT: The Assembly will now take a decision on draft decision A/45/L.51.

May I take it that the Assembly decides to adopt draft decision A/45/L.51?

The draft decision was adopted.

The PRESIDENT: The Assembly has thus concluded its consideration of agenda item 34.

AGENDA ITEM 8 (continued)

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

The PRESIDENT: I should like to inform representatives that the consultations I initiated last year regarding the revitalization of the work of the United Nations are nearing completion. As a result, I believe I shall be able to submit for the consideration of the General Assembly the text of a draft resolution and draft decision which will reflect the consensus of Member States on the need to increase the effectiveness of the Assembly in organizing its work, thus enhancing its relevance and its ability to play the role envisaged for it under the Charter of the United Nations.

(The President)

In order to enable the Assembly to consider the proposals emanating from consultations, it will be necessary to reopen consideration of agenda item 117 on the review of the efficiency of the administrative and financial functioning of the United Nations.

May I take it that the Assembly decides to reopen consideration of agenda item 117?

It was so decided.

The PRESIDENT: May I also take it that the Assembly wishes to consider this item directly in plenary meeting?

It was so decided.

The PRESIDENT: I should also like to inform members that it is my intention to circulate the text of the draft resolution and draft decision as soon as possible. However, I wish to point out that the basic text has been available to all Member States since mid-August and has been the subject of extensive discussions by regional groups and interested delegations.

The final text will be available after I conclude my last round of consultations today. Unfortunately, I cannot indicate with certainty the exact time, because that depends on how promptly representatives confirm their acceptance of the draft resolution and draft decision.

Of course, appropriate allowance has to be made for the processing of the documents in all languages. In any case, delegations will receive the final text issued as an official document before the General Assembly meeting on Monday morning.

The Assembly will consider agenda item 117 at the next plenary meeting of the General Assembly, on Monday, 16 September, as the last item in the morning.

The meeting rose at 11.05 a.m.